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DATE: March 11, 2009

PTO IDENTIFIER: Application Number 10/534,081-Conf. #8962

Patent Number

Inventor: Kohji Fukatsu et al.

MESSAGE TO: US Patent and Trademark Office

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PAGES (Including Cover Sheet): 4

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Second Response to Restriction Requirement (2 pages)

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PTO/SB/97 (02-08)

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Application No. (if known): 10/534,081

Attorney Docket No.: 66530(46590)

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Second Response to Restriction Requirement (2 pages)

MAR 11 2009

Docket No.: 66530(46590)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kohji Fukatsu et al.

Application No.: 10/534,081

Confirmation No.: 8962

Filed: June 13, 2005

Art Unit: 4121

For: RECEPTOR FUNCTION REGULATOR

Examiner: Cornet, Jean P.

SECOND RESPONSE TO RESTRICTION REQUIREMENTMS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In further response to the restriction requirement set forth in the Office Action mailed December 26, 2008, Applicant hereby provisionally elects the species consisting essentially of Example 205; 3-[4-[2',6'-dimethylbiphenyl-3-yl)methoxy]-2-fluorophenyl]propionic acid.

The afore-mentioned election is being made solely to comply with, and be fully responsive to, the restriction requirement set forth in the Office Action. The right to file one or more divisional applications on non-elected subject matter is reserved.

Additionally, Applicant reserves the right to pursue rejoinder of withdrawn process claims that depend from or otherwise include all the limitations of an allowable product claim.

BOS2 725709.1